

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
FIRST REGULAR SESSION
43rd Legislative Day
Thursday, May 16, 2013

The House met according to adjournment and was called to order by the Speaker.

Prayer by Pastor Kenneth Endean, Cornerstone Baptist Church, Scarborough.

National Anthem by Renaissance, University of Maine, Orono.

Pledge of Allegiance.

Doctor of the day, Richard Swett, M.D., Dover-Foxcroft.

The Journal of yesterday was read and approved.

SENATE PAPERS

Resolve, To Restore the Integrity of the State Pay System (EMERGENCY)

(S.P. 584) (L.D. 1539)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Non-Concurrent Matter

Resolve, Directing the Department of Environmental Protection To Develop Quantitative Odor Management Standards (H.P. 116) (L.D. 141)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-144) in the House on May 9, 2013.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-144) AND SENATE AMENDMENT "A" (S-89)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act To Expand Eligible Project Costs in Development Districts"

(H.P. 289) (L.D. 413)

Majority (11) **OUGHT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on April 10, 2013.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Under suspension of the rules, members were allowed to remove their jackets.

COMMUNICATIONS

The Following Communication: (H.C. 166)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

AUGUSTA, MAINE 04333-0002

May 15, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Pursuant to my authority under Title 1, Chapter 13, §411 of the Maine Revised Statutes, I have appointed Suzanne D. Goucher of Augusta to the Right to Know Advisory Committee.

Should you have any questions regarding this appointment, please do not hesitate to contact me.

Sincerely,

S/Mark W. Eves

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 165)

STATE OF MAINE

CLERK'S OFFICE

2 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0002

May 16, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Agriculture, Conservation and Forestry

L.D. 749 An Act To Prohibit the Taking or Possession of a Natural Resource That Is on the Land of Another

L.D. 1285 An Act To Allow Law Enforcement Agencies Access to Animal Licensing Information

Criminal Justice and Public Safety

L.D. 166 An Act To Criminalize Importation of So-called Bath Salts Containing Synthetic Hallucinogenic Drugs

L.D. 1079 An Act To Provide for Alternatives for the Courts To Address Settlement of Fines in Certain Cases

L.D. 1289 An Act To Create an Animal Abuser Registry

L.D. 1470 An Act To Develop Juvenile Assessment Centers

Health and Human Services

L.D. 389 An Act To Bring Fairness to General Assistance Programs by Changing the Method of Municipal Reimbursement

L.D. 579 Resolve, To Clarify and Improve the Eligibility Process for Services for Persons with Intellectual Disabilities or Autism

L.D. 678 An Act To Allow Random Drug Testing for Recipients of Certain Public Benefits

L.D. 847 Resolve, To Address Changes Needed for Providers of Private Nonmedical Institution Services

L.D. 967 An Act Regarding Residency Requirements for General Assistance

L.D. 1165 An Act To Improve the Safety of Workers Who Provide Direct Mental Health and Social Services

- L.D. 1244 An Act To Require Child Protective Services To Screen Parents of Newborn Infants (EMERGENCY)
- L.D. 1245 Resolve, Directing the Department of Health and Human Services To Create a More Equitable, Transparent Resource Allocation System for Nursing Facilities Based on Residents' Needs (EMERGENCY)
- L.D. 1246 An Act To Promote Greater Staffing Flexibility without Compromising Safety or Quality in Nursing Facilities (EMERGENCY)
- L.D. 1416 An Act Regarding Responsibility of General Assistance for a Person Who Is Released from Prison
- Inland Fisheries and Wildlife
- L.D. 84 An Act To Expand Turkey Hunting
- L.D. 143 An Act To Allow a Hunter To Harvest a Wild Turkey of Either Sex during the Month of October without an Extra Charge for the Permit
- L.D. 617 An Act To Protect the State's Native and Wild Brook Trout and Discourage Illegal Fish Introduction
- L.D. 736 An Act To Establish the Review Board of Appeals To Review the Denial of Hunting and Fishing Licenses
- L.D. 799 Resolve, To Allow Use of Live Bait for Fishing in the Allagash Wilderness Waterway and Fish River Waterway
- L.D. 1174 Resolve, To Establish the Commission To Study the Creation of a State and Federal Fish and Wildlife Museum at the Massabesic Experimental Forest in Alfred and Lyman (EMERGENCY)
- L.D. 1248 An Act To Establish Trail Standards in Deer Wintering Areas
- L.D. 1474 An Act To Amend the Laws Pertaining to the Hunting of Bear
- Insurance and Financial Services
- L.D. 547 An Act To Ensure the Accountability of Taxpayer Funds and State Collaboration, Planning and Oversight in the Implementation and Operation of a Health Exchange in Maine
- L.D. 681 An Act To Improve Oversight of Insurance Rates and Ensure Consistency with Federal Law (EMERGENCY)
- State and Local Government
- L.D. 1158 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Length of Terms of Senators to 4 Years
- L.D. 1273 An Act Pertaining to the Closing of Municipal Roads for Community Use
- Taxation
- L.D. 980 An Act To Provide an Income Tax Credit for a Qualified Conservation Contribution
- L.D. 1227 An Act To Promote Tourism and Economic Development
- The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,
S/Millicent M. MacFarland
Clerk of House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 341)

**MAINE SENATE
126TH LEGISLATURE
OFFICE OF THE SECRETARY**

May 15, 2013

Honorable Millicent M. MacFarland
Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Senate Paper 211, Legislative Document 521, "An Act To Change the Budget Approval Process for Alternative Organizational Structures," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

23 voted in favor and 12 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Best Regards,
S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

ORDERS

On motion of Representative RANKIN of Hiram, the following House Order: (H.O. 22)

ORDERED, that Representative Erin D. Herbig of Belfast be excused May 7 and 8 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Chuck Kruger of Thomaston be excused May 13 and 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Beth P. Turner of Burlington be excused May 2, 7, 8 and 9 for health reasons.

READ and PASSED.

REPORTS OF COMMITTEE

Ought to Pass as Amended

Report of the Joint Select Committee on **MAINE'S WORKFORCE AND ECONOMIC FUTURE** on Bill "An Act To Strengthen Maine's Workforce and Economic Future"

(S.P. 41) (L.D. 90)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-71).**

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-71) AS AMENDED BY SENATE AMENDMENT "A" (S-83)** thereto.

Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. Committee Amendment "A" (S-71) was **READ** by the Clerk. Senate Amendment "A" (S-83) to Committee Amendment "A" (S-71) was **READ** by the Clerk and **ADOPTED**. Committee Amendment "A" (S-71) as Amended by Senate Amendment "A" (S-83) thereto was **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-71) as Amended by Senate Amendment "A" (S-83)** thereto in concurrence.

Divided Reports

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-64)** on Bill "An Act To Establish the Geospatial Data Reserve Fund"

(S.P. 302) (L.D. 877)

Signed:

Senators:

BOYLE of Cumberland
GRATWICK of Penobscot
SAVIELLO of Franklin

Representatives:

WELSH of Rockport
AYOTTE of Caswell
CAMPBELL of Orrington
CHIPMAN of Portland
COOPER of Yarmouth
GRANT of Gardiner
HARLOW of Portland
McGOWAN of York
REED of Carmel

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

LONG of Sherman

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-64) AS AMENDED BY SENATE AMENDMENT "A" (S-87)** thereto.

READ.

On motion of Representative WELSH of Rockport, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (S-64) was READ** by the Clerk.

Senate Amendment "A" (S-87) to Committee Amendment "A" (S-64) was READ by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-64) as Amended by Senate Amendment "A" (S-87) thereto was **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-64) as Amended by Senate Amendment "A" (S-87)** thereto in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-68)** on Bill "An Act To Ensure the Effectiveness of Constitutional Officers"

(S.P. 325) (L.D. 947)

Signed:

Senators:

LACHOWICZ of Kennebec
GERZOFISKY of Cumberland

Representatives:

GRAHAM of North Yarmouth
BOLDUC of Auburn
CHENETTE of Saco
PEASE of Morrill

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

BOLAND of Sanford
COTTA of China
HAYES of Buckfield
NADEAU of Winslow
NADEAU of Fort Kent

Came from the Senate with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

Representative GRAHAM of North Yarmouth moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You may note on this report that I am on the other side, but I have further considered this and I believe we should not tell someone they cannot run for public office. That is what we are doing with this bill. That is a very serious restriction and facts simply don't support the need to do it. It is up to the voters as to whether a person or current office holder should be elected to a new position. There is no evidence that electing a constitutional office holder has ever been an issue. There are safeguards in the Secretary of State's office so that election conflict of interests are completely resolved. This was the case when Secretary of State Charlie Summers was in office. It is the case now and it will be the case moving forward. Trying to remedy a problem that does not exist is not a good idea. I ask that you follow my light and vote the Minority Ought Not to Pass Report.

Subsequently, the Minority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-166)** on Bill "An Act To Provide Local Sales Tax Increment Disbursements"

(H.P. 276) (L.D. 401)

Signed:

Senators:

HASKELL of Cumberland
MILLETT of Cumberland

Representatives:

GOODE of Bangor
BENNETT of Kennebunk
JACKSON of Oxford
KNIGHT of Livermore Falls
MAREAN of Hollis

MOONEN of Portland
STANLEY of Medway
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

THOMAS of Somerset

Representatives:

BROOKS of Winterport

LIBBY of Lewiston

READ.

On motion of Representative GOODE of Bangor, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I hope I'm not too late, Mr. Speaker. I tried to jump quickly. I am opposed to this bill.

The SPEAKER: Will the Representative defer? The Clerk will read Committee Amendment "A" and then it will be proper for the Representative to speak to the pending motion.

Committee Amendment "A" (H-166) was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Now thank you, Mr. Speaker. Sorry about, I apologize for the untimely move on my part. Mr. Speaker, Ladies and Gentlemen of the House, this, to me, it's another encouragement into establishing service centers. I have been opposed to service centers all along and that is only because I come from rural communities and I see no absolute gain for the Town of Winterport. I only see losses. This is a bill that will make a select few, if you will, richer, and those of us who live in small towns a little bit poorer. I know it doesn't involve an awful lot of money. However, for a long time now, the people in my district and the Maine Municipal Association, of which I am a member of its legislative policy council, has indicated that they do not support this, nor do I support it, and it is again, because it selectively will pay back those communities whose retail sales have gone up. In Winterport, we have a barbershop and we have a pizza house, and I doubt very seriously if our retail sales are going to go up. They may well go down. So I will be voting against this bill when it comes up. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Chase.

Representative **CHASE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to explain what this bill actually does. This bill is offered in lieu of a local option sales tax, as it will provide additional funding to those towns or cities who are finding it more and more difficult to fund the growing expenditures needed to support the services required and a municipality that generates the large state sales tax revenues. It will provide for the additional funding without increase in taxes to taxpayers, yet not create another bureaucratic tax layer. It will give an incentive for towns to encourage business expansions as they will benefit from increased sales tax revenues generated within their own municipalities, and as 95 percent of the referred to expanded taxes will flow to the state, any encouragement for growth by

municipalities will benefit all of us. How it works is that LD 401 sets a base year, with '15-'16 being the first base year, to establish the amount of sales and use tax, not including meals and lodging taxes, that are generated with a municipality and then compares that baseline established amount to the sales tax raised within that community going forward every year. Sales tax amounts generated within a municipality every year going forward above that sales tax baseline that year will be determined by the state, and the municipality will be reimbursed by the state at an amount equal to 5 percent of the expanded taxes only. The established baseline year is reset every four years and the process repeats. If the amount of sales and use tax collected in a fiscal year in a municipality is below what is collected in the established base year, then the municipality receives nothing. The municipality must use the local sales tax increment payments from this process received to reduce the property taxes. What this bill is not is a tax increase and it's not a local option sales tax. What it is, is an encouragement for towns to expand certain businesses by sharing with the state in the gains in revenue and an additional means to reduce property taxes. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Libby.

Representative **LIBBY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The bill before us is a pretty good concept in my view, however, I do not support the bill as written. This bill does have a fiscal note. It's estimated in fiscal year '16 and '17, a General Fund reduction of \$1.7 million. The idea being that that \$1.7 million is distributed to the service center communities. Just with a quick back of the envelope calculation, if you know that there is about 500 Maine municipalities and let's just say 200 of them are retail centers and we divide that math out, towns would be looking to receive about \$9,000 back to their General Fund to reduce property taxes. It's, I think, a lot of work for very little benefit and, in my view and in the view of the Maine Municipal Association, this bill does not address the elephant in the room, which is municipal revenue sharing, and I came up to Augusta to fight for my community and its share of revenue sharing, and I'm going to keep my eye on the prize. Thank you, Mr. Speaker.

Representative JONES of Freedom **REQUESTED** a roll call on **ADOPTION of Committee Amendment "A" (H-166)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-166). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 92

YEA - Ayotte, Beck, Bennett, Campbell R, Casavant, Chase, Chipman, Crafts, Cray, DeChant, Dickerson, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gattine, Gideon, Gifford, Goode, Graham, Grant, Hamann, Harvell, Herbig, Hobbins, Hubbell, Johnson P, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kumiega, Libby A, Long, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Mastraccio, McCabe, McClellan, McElwee, Moonen, Moriarty, Morrison, Nadeau A, Newendyke, Parry, Pease, Peoples, Pouliot, Powers, Priest, Rankin, Rochelo, Russell, Rykerson, Sanderson, Saucier, Schneck, Short, Sirocki, Stanley, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Weaver, Welsh, Wilson, Wood, Mr. Speaker.

NAY - Beaulieu, Beavers, Berry, Black, Boland, Briggs, Brooks, Campbell J, Carey, Cassidy, Chapman, Chenette, Clark, Cooper, Cotta, Crockett, Davis, Devin, Dill, Dion, Doak, Dorney, Evangelos, Farnsworth, Fowle, Gilbert, Gillway, Guerin, Harlow,

Hayes, Hickman, Jackson, Johnson D, Jones, Jorgensen, Kruger, Kusiak, Lajoie, Libby N, Lockman, Longstaff, Marks, McGowan, McLean, Monaghan-Derrig, Nadeau C, Nelson, Noon, Nutting, Plante, Pringle, Rotundo, Sanborn, Saxton, Shaw, Stuckey, Theriault, Wallace, Werts, Willette, Winchenbach, Winsor.

ABSENT - Beaudoin, Bolduc, Daughtry, Frey, Mason, Peavey Haskell, Peterson, Reed.

Yes, 81; No, 62; Absent, 8; Excused, 0.

81 having voted in the affirmative and 62 voted in the negative, with 8 being absent, and accordingly **Committee Amendment "A" (H-166)** was **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-166)** and sent for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 32) (L.D. 37) Resolve, Regarding Legislative Review of Portions of Chapter 4: Rules of Practice, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 167) (L.D. 206) Bill "An Act To Protect Title to Real and Personal Property of Public Employees" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-174)**

(H.P. 340) (L.D. 498) Bill "An Act To Allow a Municipality To Prohibit a Sex Offender from Residing within 750 Feet of a Recreational Facility" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-169)**

(H.P. 603) (L.D. 852) Bill "An Act To Amend Certain Provisions of Law Affecting the Judicial Branch" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-176)**

(H.P. 636) (L.D. 912) Bill "An Act To Provide Another Alternative to the Civil Order of Arrest Process" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-175)**

(H.P. 707) (L.D. 1009) Bill "An Act Concerning Fertilizer and Lime Products" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-170)**

(H.P. 848) (L.D. 1204) Bill "An Act To Clarify the Appeal Process of Code Enforcement Officers and Boards of Appeal" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-173)**

(H.P. 903) (L.D. 1264) Bill "An Act Allowing the Harvesting of Yellow Perch with Seines" (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-172)**

(H.P. 980) (L.D. 1372) Bill "An Act To Prohibit the Requirement That Proof of Citizenship Be Submitted for Renewal of a Driver's License" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-179)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

ENACTORS

Emergency Measure

An Act To Appropriate Sufficient Funds for Indigent Legal Services

(H.P. 271) (L.D. 396)

(C. "A" H-123)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 93

YEA - Ayotte, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Clark, Cooper, Cotta, Cray, Crockett, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Espling, Evangelos, Farnsworth, Fowle, Fredette, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mastraccio, McCabe, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Winchenbach, Wood, Mr. Speaker.

NAY - Chase, Crafts, Davis, Doak, Dunphy, Duprey, Fitzpatrick, Gifford, Johnson D, Kinney, Libby A, Lockman, McClellan, Nadeau A, Pease, Sanderson, Sirocki, Timberlake, Turner, Wilson, Winsor.

ABSENT - Beaudoin, Frey, Harvell, Mason, Peavey Haskell, Peterson, Reed.

Yes, 123; No, 21; Absent, 7; Excused, 0.

123 having voted in the affirmative and 21 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Amend the Charter of the Veazie Sewer District
(H.P. 467) (L.D. 675)
(C. "A" H-138)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Directing the Public Utilities Commission To Examine Measures To Mitigate the Effects of Geomagnetic Disturbances and Electromagnetic Pulse on the State's Transmission System

(H.P. 106) (L.D. 131)
(C. "A" H-121)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 138 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Extending the Time That the Commissioner of Administrative and Financial Services Has To Sell or Lease Property in Augusta

(H.P. 667) (L.D. 954)
(C. "A" H-135)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 136 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations

(S.P. 47) (L.D. 126)
(CC. "A" S-63)

An Act Regarding Adoption

(H.P. 122) (L.D. 147)
(C. "A" H-124)

An Act To Enhance Transparency in Government by Implementing a Waiting Period for Legislators before They May Register as Lobbyists

(H.P. 144) (L.D. 184)
(C. "A" H-115)

An Act To Eliminate Institute Councils for Mental Health Institutions

(H.P. 214) (L.D. 305)

An Act To Amend the Provision of Law That Requires the Trade Name or Brand of Malt Liquor To Be Displayed in Full Sight of a Customer on a Faucet, Spigot or Dispensing Apparatus

(H.P. 238) (L.D. 333)
(C. "A" H-120)

An Act To Allow Nonprofit Organizations To Operate Snowmobiles as Trail-grooming Equipment

(H.P. 239) (L.D. 334)

An Act Regarding Enrollment and Graduation Rates of First-generation Higher Education Students

(H.P. 294) (L.D. 422)
(C. "A" H-116)

An Act To Remove the Disqualification from Obtaining a Liquor License for a Law Enforcement Officer Who Does Not Directly Benefit Financially

(S.P. 198) (L.D. 508)
(C. "A" S-60)

An Act To Establish Maine Seniors Day

(H.P. 379) (L.D. 560)
(C. "A" H-132)

An Act To Amend the Laws Governing Service of Process in Eviction Actions

(H.P. 400) (L.D. 581)
(C. "A" H-140)

An Act To Strengthen the Law Regarding Texting and Driving

(H.P. 408) (L.D. 589)
(C. "A" H-112)

An Act To Help Small Businesses and Promote Tourism by Allowing the Construction of a Deck over a River within a Downtown Revitalization Project

(H.P. 415) (L.D. 596)
(C. "A" H-137)

An Act To Allow a Minor in the Police Explorer Program To Assist with Traffic Control at Civic Events

(H.P. 424) (L.D. 605)
(C. "A" H-130)

An Act To Create Fairness in Political Party Enrollment Deadlines

(H.P. 520) (L.D. 769)
(C. "A" H-118)

An Act To Amend the Laws Concerning Scrap Metal Processors

(H.P. 559) (L.D. 808)
(C. "A" H-128)

An Act To Clarify When a Manufactured Home Becomes Residential Real Property

(H.P. 605) (L.D. 854)

An Act To Expand the Sales Tax Exemption for Certain Public Libraries To Include Sales by Those Libraries or Their Supporting Organizations

(H.P. 639) (L.D. 915)
(C. "A" H-119)

An Act To Promote Fishing by Youth

(H.P. 656) (L.D. 932)
(C. "A" H-117)

An Act To Clarify an Exemption to the Municipal Subdivision Laws

(H.P. 680) (L.D. 966)

An Act To Support the Maine Downtown Center

(S.P. 409) (L.D. 1172)
(C. "A" S-59)

An Act To Ensure Compliance with the Laws Governing Elections

(H.P. 854) (L.D. 1210)

An Act To Require the Secretary of State To Suspend a Person's License in Certain Instances Regardless of whether an Accident Report Has Been Filed

(H.P. 923) (L.D. 1296)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, Directing the Workers' Compensation Board To Study the Issue of Addressing Psychological and Physical Harm to Employees Due to Abusive Work Environments

(H.P. 845) (L.D. 1201)

(C. "A" H-129)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

On motion of Representative FREDETTE of Newport, **TABLED** pending **FINAL PASSAGE** and later today assigned.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass** - Minority (2) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Require Firearms Used in the Commission of Certain Acts To Be Civilly Forfeited to the State and Destroyed"

(H.P. 497) (L.D. 724)

TABLED - May 9, 2013 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - Motion of Representative DION of Portland to **ACCEPT** the Majority **OUGHT TO PASS** Report.

Subsequently, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Representative LONG of Sherman **PRESENTED** House Amendment "A" (H-183), which was **READ** by the Clerk and **ADOPTED**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-183)** and sent for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 377) (L.D. 558) Resolve, To Erect a State Monument to Franco-Americans Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-180)**

(H.P. 584) (L.D. 833) Bill "An Act To Allow Municipalities To Place Liens for Failure To Pay Storm Water Assessments" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-181)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Allow Consideration of Fetal Alcohol Spectrum Disorder at Sentencing in a Criminal Case"

(H.P. 153) (L.D. 192)

Signed:

Senators:

GERZOFKY of Cumberland

DUTREMBLE of York

PLUMMER of Cumberland

Representatives:

DION of Portland

KAENRATH of South Portland

LAJOIE of Lewiston

LONG of Sherman

MARKS of Pittston

PEASE of Morrill

PLANTE of Berwick

TYLER of Windham

WILSON of Augusta

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representative:

CASAVANT of Biddeford

READ.

Representative DION of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I oppose the Ought Not To Pass Majority Report, although I totally understand the majority voting the way they did. I thank the good Representative from Biddeford, Representative Casavant, for casting the single vote for LD 192, "An Act To Allow Consideration of Fetal Alcohol Spectrum Disorder at Sentencing in a Criminal Case," which gives me the opportunity to talk to you about this bill very briefly. Bette Hoxie, Executive Director of Adoptive and Foster Families of Maine, asked me to submit this bill as many children in the foster care system suffer from this disorder.

The Center for Disease Control and Prevention (CDC) defines Fetal Alcohol Spectrum Disorder (FASD) as "a group of conditions that can occur in a person whose mother drank alcohol during pregnancy." Symptoms of concern to us relative to LD 192 include difficulties with judgment and poor impulse control. Individuals with FASD are at an increased risk of substance abuse and mental health issues, thus often end up in the court system, which may be unfamiliar with this disorder and the fact that mental health treatment may provide better results in helping a person who suffers from this disability and at a lower cost than incarceration.

Last year, Alaska passed SB 151, allowing judges to consider FASD as a factor during sentencing, which I would be happy to share with any of you who might request it along with the U.S. DHHS Center for Substance Abuse Prevention Fact Sheet on Preventing and Addressing Fetal Alcohol Spectrum Disorders (FASD) in Your State.

In conclusion, this bill gives our Maine judges more flexibility in sentencing people affected by FASD. I understand why the majority of the committee felt there was no need to itemize every issue that might carry mitigating circumstances. However, my contention is that Maine judges and lawyers are not aware of this condition, its impacts on persons with FASD, how many incarcerated persons suffer from it or how it might be treated. There is a need for education of judicial personnel, which, of course, there are not enough resources to provide. For these reasons, I oppose the Majority Report. Thank you.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Ban the United Nations Agenda 21 in Maine"

(H.P. 181) (L.D. 220)

Signed:

Senators:

VALENTINO of York

TUTTLE of York

Representatives:

PRIEST of Brunswick

BEAULIEU of Auburn

CROCKETT of Bethel

DeCHANT of Bath

MONAGHAN-DERRIG of Cape Elizabeth

MOONEN of Portland

MORIARTY of Cumberland

VILLA of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-177)** on same Bill.

Signed:

Senator:

BURNS of Washington

Representatives:

GUERIN of Glenburn

PEAVEY HASKELL of Milford

READ.

Representative LONG of Sherman moved that the Bill be **TABLED** until later in today's session pending **ACCEPTANCE** of either Report.

Representative McCABE of Skowhegan **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **ACCEPTANCE** of either Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Table until later in today's session pending Acceptance of either Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 94

YEA - Ayotte, Beaulieu, Bennett, Black, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Duprey, Espling, Fitzpatrick, Gifford, Gillway, Guerin, Harlow, Hayes, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Libby A, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Sanderson, Sirocki, Stanley,

Timberlake, Turner, Tyler, Wallace, Weaver, Willette, Winchenbach, Winsor, Wood.

NAY - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Longstaff, Luchini, MacDonald W, Marks, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Volk, Welsh, Werts, Wilson.

ABSENT - Beaudoin, Campbell R, Dunphy, Fredette, Frey, Harvell, Mason, Peavey Haskell, Peterson, Reed, Mr. Speaker.

Yes, 51; No, 89; Absent, 11; Excused, 0.

51 having voted in the affirmative and 89 voted in the negative, with 11 being absent, and accordingly the motion of Representative LONG of Sherman to **TABLE** until later in today's session pending **ACCEPTANCE** of either Report **FAILED**.

Subsequently, Representative PRIEST of Brunswick moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative McCABE of Skowhegan **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority **Ought Not to Pass** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 95

YEA - Beaulieu, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Cotta, Crockett, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fitzpatrick, Fowle, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Keschl, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Lockman, Longstaff, Luchini, MacDonald S, MacDonald W, Marks, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Noon, Nutting, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stuckey, Theriault, Tipping-Spitz, Treat, Tyler, Verow, Villa, Volk, Welsh, Werts, Wilson, Mr. Speaker.

NAY - Ayotte, Bennett, Black, Chase, Clark, Crafts, Cray, Davis, Doak, Dunphy, Duprey, Espling, Gifford, Guerin, Jackson, Johnson D, Johnson P, Kinney, Libby A, Long, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Parry, Pease, Sanderson, Sirocki, Stanley, Timberlake, Turner, Wallace, Weaver, Willette, Winchenbach, Winsor, Wood.

ABSENT - Beaudoin, Campbell R, Fredette, Frey, Harvell, Mason, Nelson, Peavey Haskell, Peterson, Reed.

Yes, 101; No, 40; Absent, 10; Excused, 0.

101 having voted in the affirmative and 40 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Limit Political Contributions by Public Employee Labor Unions"

(H.P. 92) (L.D. 110)

Signed:

Senators:

TUTTLE of York

PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth

FOWLE of Vassalboro

LONGSTAFF of Waterville

RUSSELL of Portland

SAUCIER of Presque Isle

SCHNECK of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-168)** on same Bill.

Signed:

Senator:

MASON of Androscoggin

Representatives:

BEAULIEU of Auburn

GIFFORD of Lincoln

JOHNSON of Eddington

KINNEY of Limington

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought Not to Pass** Report.

READ.

Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative WILLETTE of Mapleton **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 96

YEA - Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Wilson, Winsor, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Jackson, Johnson D, Johnson P, Keschl, Kinney, Knight, Libby A,

Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Pouliot, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Winchenbach, Wood.

ABSENT - Beaudoin, Frey, Harvell, Mason, Peavey Haskell, Peterson, Reed.

Yes, 91; No, 53; Absent, 7; Excused, 0.

91 having voted in the affirmative and 53 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-178)** on Bill "An Act Regarding Games of Chance Operated by Snowmobile Clubs"

(H.P. 391) (L.D. 572)

Signed:

Senators:

TUTTLE of York

MASON of Androscoggin

Representatives:

LUCHINI of Ellsworth

BEAULIEU of Auburn

FOWLE of Vassalboro

GIFFORD of Lincoln

JOHNSON of Eddington

KINNEY of Limington

LONGSTAFF of Waterville

SAUCIER of Presque Isle

SCHNECK of Bangor

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

PATRICK of Oxford

Representative:

RUSSELL of Portland

READ.

On motion of Representative LUCHINI of Ellsworth, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-178)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-178)** and sent for concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-171)** on Bill "An Act To Clarify the Laws Governing the Rule-making Authority of the Maine Forest Service"

(H.P. 486) (L.D. 714)

Signed:

Senators:

JACKSON of Aroostook
BOYLE of Cumberland
SHERMAN of Aroostook

Representatives:

DILL of Old Town
BLACK of Wilton
CRAY of Palmyra
HICKMAN of Winthrop
KENT of Woolwich
MAREAN of Hollis
NOON of Sanford
SAUCIER of Presque Isle

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

JONES of Freedom
TIMBERLAKE of Turner

READ.

The SPEAKER: The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. Sorry for the untimely response to the motion. I'd like to explain the contents of this bill. This is a takings bill.

The SPEAKER: Will the Representative defer? We had dispensed with the reading of the Committee Report and now we are looking for a motion from the House.

Representative DILL of Old Town moved that the House **ACCEPT the Majority Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Please forgive my clumsiness with the rules of the House. Representative Timberlake and myself, believe it or not, agree that this is a takings bill and let me just basically brief the House on what the contents of this bill entail and leave it up to my brothers and sisters here to decide which is the right path to take. What this bill allows the state to do is this: Assume, for example, that my neighbor has an infestation of – and we've discussed a variety of invasive species and pests – for example, you know, woolly adelgid or green-eyed ash borer or whatever they are. What this bill allows the state to do is if my neighbor has an infestation on his property of an invasive species that is potentially dangerous, this allows the state to come on to my woodlot and take my trees as a preventive maintenance measure with no compensation. Now some of us here, myself included, have put our retirements in our woodlots, that is my investment, and for the state, as a preemptive measure, to take my property without compensation, members and women, that's a taking and I would just urge you to consider that when you make this vote. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dill.

Representative **DILL**: Thank you, Mr. Speaker. While I don't really disagree with what the good Representative from Freedom mentioned, we did talk almost specifically or quite specific, even though it couldn't be larger than this, to insect paths, both invasive, the Asian longhorned beetle and the emerald ash borer, both of which are majority destructive pests, and the unfortunate thing is that the only way to manage this particular pest at the moment is to certainly go around and remove trees around an infestation. As was pointed out, that is a possible way that this could happen, that if it's found on my property line and I happen

to be right next to the good Representative from Freedom, they could also be taking some of their trees also and there would be no compensation. However, this is one of those types of things that could completely devastate forestry in Maine, both the maple industry and the ash industry, which is crucial to the Native American population. So maybe this isn't the best fix, but it's the fix that we have at the moment. Thank you.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-171) was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-171)** and sent for concurrence.

The SPEAKER: The Chair recognizes the Representative from Burlington, Representative Turner, who wishes to address the House on the record.

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. In reference to Roll Call No. 67, on LD 522, if I had been present, I would have voted yea. In reference to Roll Call No. 68, on LD 1197, had I been present I would have voted nay. In reference to Roll Call No. 69, LD 667, had I been present I would have voted yea. In reference to Roll Call No. 70, LD 231, had I been present I would have voted yea. In reference to Roll Call No. 71, LD 388, had I been present I would have voted yea. In reference to Roll Call No. 72, LD 629, had I been present I would have voted nay. In reference to Roll Call No. 73, LD 319, had I been present I would have voted yea. In reference to Roll Call No. 74, LD 1036, had I been present I would have voted nay. In reference to Roll Call No. 75, LD 405, had I been present I would have voted nay. In reference to Roll Call No. 76, LD 920, had I been present I would have voted yea. In reference to Roll Call No. 77, LD 1007, had I been present I would have voted nay. In reference to Roll Call No. 78, SP 567, had I been present I would have voted yea. In reference to Roll Call No. 79, SP 570, had I been present I would have voted yea. In reference to Roll Call No. 80, LD 115, had I been present I would have voted nay. In reference to Roll Call No. 81, LD 115, had I been present I would have voted yea. In reference to Roll Call No. 82, LD 105, had I been present I would have voted nay. In reference to Roll Call No. 83, LD 307, had I been present I would have voted yea. And last but not least, in reference to Roll Call No. 84, LD 490, had I been present I would have voted yea. Thank you.

The SPEAKER: The Chair recognizes the Representative from Embden, Representative Dunphy, who wishes to address the House on the record.

Representative **DUNPHY**: Thank you, Mr. Speaker. It appears I had a glitch in my switch on Roll Call No. 94. It apparently did not record, though it showed up on the board and the vote should have been a yes.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Nelson, who wishes to address the House on the record.

Representative **NELSON**: Thank you, Mr. Speaker. I would make the same comment. On Roll Call No. 95, I did press my button and it recorded me as absent. I pressed my yea button, green button, and I'd like to be so recorded. Thank you.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Nelson, who wishes to address the House on the record.

Representative **NELSON**: Thank you, Mr. Speaker. I believe my light did light up so that's why I didn't stand up, but then when I got the record, it said that I hadn't voted. Thank you, Mr. Speaker.

SENATE PAPERS

The following Joint Order: (S.P. 587)

ORDERED, the House concurring, that when the Senate adjourn they do so until Monday, May 20, 2013, at 10:00 in the morning and House adjourn until 9:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Representative DION of Portland, the House adjourned at 10:47 a.m., until 9:00 a.m., Monday, May 20, 2013 pursuant to the Joint Order (S.P. 587) and in honor and lasting tribute to the Firefighters and Police Officers who lost their lives in the line of duty.